

Mr. BENTON. I would inquire if that amendment is

Mr. HALE. It is an amendment to the bill.

Mr. HENON. What I want to say is this, that it operates, of course, as an amendment made to the amendment of the senator from Wisconsin; consequently, all propositions of amendment will take that form. I think, therefore, it would be better to have the senator from Wisconsin withdraw his amendment until the amendments are disposed of.

Mr. WALKER. I will now do what I intended to do some time ago. I understand that, to a certain extent, my motion would be an embarrassment of the bill. When I

made the motion, I did not think that the effect of a negative vote would be such as the senator from Georgia has represented. We frequently have motions to strike

out all after the enacting clause; and when such are negatived, we go on to make amendments as if no such motion had been made. This is, to be sure, not a motion to strike out all after the enacting clause, but it is a motion to strike out a very important part of the bill. However, I pay due deference to the opinion of the Chair, and will withdraw my amendment, if it is in order to do so.

THE PRESIDENT. The yeas and nays having been ordered, it can be done but by unanimous consent.

Mr. CLAY said that though he had not examined the amendment very closely, he had been struck by one

Mr. BUTLER wished to know why the amendment referred to the judiciary system of the District of Columbia as differing from that of the States. There might be something in the law relating to this District of a peculiar character, which he did not understand. He wished an explanation.

Mr. HALE explained. It had been suggested to him that if he made the reference to the laws regulating the State courts, there might be something in them which would only be appropriate to the States, and to which the condition of the Territories would not be analogous; but that by taking the District of Columbia he would be sure

Mr. BUTLER was satisfied with the explanation, and saw no objection to the amendment.

The question being then taken upon the amendment, it was agreed to.

Mr. HALE moved that the same amendment be also made to the 30th section, so as to apply to the Territory of Utah; which was agreed to.

Mr. BENTON submitted the following amendment, of

Strike out of proposition "first" of section 39, after the word "beginning," these words: "at the point on the Rio del Norte, commonly called El Paso, and running up that river twenty miles, measured by a straight line thereon.

and thence eastwardly to a point where the 10th degree of west longitude crosses Red river, being the southwest angle, in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States," and insert after the said word "beginning" these words: "at the point in the middle of the deepest channel in the Rio Grande del Norte, where the same is crossed by the 102d degree of longitude west from the meridian of Greenwich; thence north, along that longitude, to the 34th degree of north latitude; thence

Mr. B. said: The motion is to strike out and insert—to strike out the committee's proposed line for the western boundary of Texas, and to insert a different one in place of it. The committee's line begins twenty miles, on a straight line, above El Paso, and runs north-easterly to the point at which the Red river is crossed by the one hundredth degree of west longitude. The line

1. proposed, begins in the middle of the channel of the Rio Grande del Norte, where it is crossed by the one hundred and second degree of west longitude, about three hundred miles, on a straight line, below El Paso, and runs north with that longitude to the thirty-fourth parallel of north latitude, where it strikes the committee's line; and thence, with that line, to its termination at the intersection of the Red river by the one hundredth degree of west longitude. These are the two lines: and the difference between

there is a difference of seventy thousand square miles cut off from New Mexico and given to Texas.

My objections to the committee's proposed line were stated in a former speech, and nothing which was then said will be repeated now. The point of those objections was, that that line was a dismemberment of New Mexico, cutting off seventy thousand square miles of its territory, and giving it to Texas. My reasons for the line I propose were also stated in the same speech, and will not be re-

peated now. Their point was, that a line along the one hundred and second degree of west longitude would be the proper boundary between New Mexico and Texas—the one that would conform to the actual possessions of both countries, and to their civil and geographical divisions. Without repeating arguments formerly used, my design is to rise higher, and establish the same points by new and clearer evidence, drawn, as the rhetoricians express it, *ex visceribus causæ*—from the bowels of the case—that is to

I begin with the committee's bill, and show from it that a cession of a part of New Mexico to Texas, and not the ascertainment of the true line between them, was the object of the committee; and that, in fact, they make a cession of one-half of New Mexico to Texas, and then accept a cession of the other half from her, and then propose to pay her a large sum of money besides. Here

is the ceding clause in the committee's bill:

*Second: The United States cedes to the State of Texas all right, claim, and title which they have to any territory lying south of the line aforesaid. And the said State of Texas cedes to the United States any right, claim, and title which it has to any territory lying north of the said line.*

These are the words of the committee's bill—a cession—a mutual cession of territory from each to the other, which, in its title, reads:—The United States

States cede to Texas all the territory that lies south of the committee's line; Texas cedes to the United States all the territory that lies north of it. It is the act of two owners, acting independently of each other, and making an exchange of land, and in terms which imply an equality of title in the respective cessions. Upon the words of this clause, then, this transfer to Texas is a cession from the United States, and conveys to Texas the title to the territory.

*Sixth.* If the said State of Texas shall *refuse or decline* to accede to the preceding articles, they shall become *void and void*, and the United States shall be *remitted back* to all their territorial rights in the same state and condition as if these articles of compact had never been tendered to the accept-

This is confirmation both of the cession and of the title of the United States. It makes a provision for resuming the title of the United States, if the exchange is not agreed to by Texas. It remits the title—sends it back—to the United States, if Texas does not accept it, and, to give more emphatic meaning to this remission, as a return to its former owner, the expletive "back" is superadded—a redundancy of phrase which could only be

The report of the committee, in explanation and support of their bill, fully accords with these two clauses of the bill itself. It treats the line they propose as making a cession of United States territory to Texas, and carefully reclaims the title, if the cession is not accepted. Thus:

If this boundary be assented to by Texas, she will be quieted to that extent in her title. And some may suppose that, in consideration of this concession by the United States, she might, without any other equivalent, relinquish any claim she has beyond the proposed boundary; that is, any claim to any part of *New Mexico*. But, under the influence of a sentiment of justice and great liberality, the bill proposes to Texas, for her relinquishment of any such claim, a large pecuniary equivalent.

It cannot be anticipated that Texas will decline to accede to these liberal propositions; but, if she should, it is to be distinctly understood that the *title* of the United States to any territory acquired from Mexico east of the Rio Grande will remain *unimpaired*, and in the same condition as if the proposals of adjustment now offered had never been made.

There are two comments on the committee's bill, which show that the import of the words employed by them was duly and cautiously considered. "Concession" is the term they apply to it, which is the equivalent of cession, which is itself equivalent to the word grant. "Unimpaired" is so to be the state of the United States title, if the concession is not accepted by Texas; and, as an acquisition from Texas, the remaining part of New Mexico is proposed to be held. The words all imply cession and acquisition; and in that

The words simply cession and acquisition in the bill and report are right. It is a cession of 70,000 square miles of New Mexico to Texas for nothing! with